

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF NEW MEXICO

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 VS.

CR. NO. 15-4268 JB

6 ANGEL DELEON, et al.,

7 Defendants.

8 VOLUME 30

9 Transcript of Verdict Proceedings before  
10 The Honorable James O. Browning, United States  
District Judge, Las Cruces, Dona County,  
11 New Mexico, commencing on March 12, 2018.

12 For the Plaintiff: Ms. Maria Armijo; Mr. Randy  
Castellano; Mr. Matthew Beck

13  
14 For the Trial 1 Defendants: Ms. Amy Jacks; Mr.  
Richard Jewkes; Ms. Theresa Duncan, Mr. Marc Lowry,  
15 Ms. Carey Bhalla; Mr. Bill Maynard; Mr. Ryan Villa;  
Ms. Justine Fox-Young  
16

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1 THE COURT: All right. We'll go on the  
2 record. Let me ask counsel to look around. We just  
3 changed out the shackles on the legs, so that we went  
4 back to the same ones that we had earlier. Is there  
5 anything about the optics that when the jury comes in  
6 that they would not see? Would they see anything  
7 different than what they did on Friday when they came  
8 in? The optics look okay and everything? Okay. So  
9 as far as I know, when the jury comes in, it's going  
10 to look just the way it has throughout the trial,  
11 unless y'all see something different. And you'll --  
12 and that way, if I can't take a verdict after looking  
13 at the verdict form, then I will then -- may have to  
14 send them back, but as far as they know, the  
15 courtroom is being used just as it has throughout the  
16 trial.

17 All right. So we've received a note from  
18 the jury, and it's dated here -- at 10:31 a.m., dated  
19 Las Cruces on 3/12/18. The signature is again of Mr.  
20 Laroche, Juror No. 3, who has been speaking as the  
21 foreperson. And the note from the jury says, "Your  
22 Honor, we have reached unanimous decisions on all  
23 counts. Thank you."

24 And so I'll have Ms. Standridge mark this  
25 as Exhibit -- what will this be?

1 THE CLERK: AR.

2 THE COURT: So this will be marked as  
3 Clerk's Exhibit AR.

4 I think that we had agreed that we wouldn't  
5 have marshals in khakis, with blazers and -- without  
6 being dressed up for the trial. So I think we need  
7 to have the same sort of security that we've had  
8 throughout the trial. So if they are in khakis,  
9 they'll need leave.

10 All right. So are all interested parties,  
11 other than the jury, convened in open court ready to  
12 receive the verdict, from the Government?

13 MS. ARMIJO: Yes, Your Honor.

14 THE COURT: For Mr. Sanchez?

15 MS. JACKS: Yes, Your Honor.

16 THE COURT: For Mr. Baca?

17 MS. DUNCAN: Yes, Your Honor.

18 THE COURT: And for Mr. Herrera?

19 MS. BHALLA: Yes, Your Honor.

20 THE COURT: And for Mr. Perez?

21 MR. VILLA: Yes, Your Honor.

22 THE COURT: All right. The jury appears to  
23 be ready to return its verdict. I'll ask Ms.  
24 Standridge to have the jury enter and assume their  
25 seats in the jury box as they have maintained them

1 throughout the trial. We'll bring the alternates in.  
2 I'm going to give a call -- Ms. Wild is trying to  
3 reach me, so I'm going to give a call to her very  
4 quickly.

5 (Off the record.)

6 (The alternate jurors entered the  
7 courtroom.)

8 THE COURT: Good morning, alternate jurors.  
9 Thank you very much. I needed to call Ms. Wild about  
10 something, so I didn't get to greet you as you came  
11 in. I appreciate your hard work, all you've done for  
12 us. I really appreciate it.

13 (The jury entered the courtroom.)

14 THE COURT: Well, good morning, ladies and  
15 gentlemen. I hope you had a good weekend, good and  
16 rested. And I appreciate you being back here this  
17 morning and on time and ready to go. You've been a  
18 wonderful bunch to work with, and we appreciate -- I  
19 think I speak on behalf of the counsel and the  
20 parties, we very much -- and certainly the Court --  
21 we appreciate the way you've gone about your task and  
22 the way you've been here on time, and put in a lot  
23 of time and just gone about your task in a very, very  
24 pleasant way. And we appreciate that very much.

25 Mr. Laroche, I received a note from the

1 jury -- that I think is still your signature -- that  
2 you have reached a unanimous decision on all counts.  
3 Is that correct?

4 THE FOREMAN: Yes, Your Honor.

5 THE COURT: And you do speak as the jury's  
6 foreperson?

7 THE FOREMAN: Yes, sir.

8 THE COURT: And let me ask you again: Has  
9 the jury unanimously agreed on its verdict as to all  
10 counts and all defendants?

11 THE FOREMAN: Yes, Your Honor.

12 THE COURT: All right. If you'll hand the  
13 verdict form to Ms. Standridge.

14 All right. I will now publish your verdict  
15 by reading it aloud in open court. The jury should  
16 pay close attention as the verdict is published.  
17 Following publication the jury may be polled. And  
18 what that means is that each juror may be asked  
19 individually whether the verdict as published by the  
20 Court constitutes his or her individual verdict in  
21 all respects.

22 The verdict of the jury as to Daniel  
23 Sanchez, Count 6: "We, the jury, find the Defendant  
24 Daniel Sanchez guilty of violent crimes in aid of  
25 racketeering in conspiring to murder Javier Molina as

1 charged in Counts 6 of the indictment."

2 Count 7: "We, the jury, find the Defendant  
3 Daniel Sanchez" -- and the jury has written in the  
4 blank "guilty of violent crimes in aid of  
5 racketeering in the murder of Javier Molina as  
6 charged in Count 7 of the indictment."

7 As to Anthony Ray Baca, Count 6: "We, the  
8 jury, find the Defendant Anthony Ray Baca" -- and in  
9 the blank they placed the word "guilty," wrote in "of  
10 violent crimes in aid of racketeering in conspiring  
11 to murder Javier Molina as charged in Count 6 of the  
12 indictment."

13 As to Count 7: "We, the jury, find the  
14 Defendant Anthony Ray Baca" -- and they wrote in the  
15 blank "guilty of violent crimes in aid of  
16 racketeering in the murder of Javier Molina, as  
17 charged in Count 7 of the indictment."

18 As to Count 9: "We, the jury, find the  
19 Defendant Anthony Ray Baca" -- in the blank the jury  
20 has written "guilty of violent crimes in aid of  
21 racketeering in conspiring to murder Dwayne  
22 Santistevan, as charged in Count 9 of the  
23 indictment."

24 Count 10: "We, the jury, find the  
25 Defendant Anthony Ray Baca" -- and they wrote in the

1 blank "guilty of violent crimes in aid of  
2 racketeering in conspiring to murder Gregg Marcantel,  
3 as charged in Count 10 of the indictment."

4 As to Carlos Herrera, Count 6: "We, the  
5 jury, find the Defendant Carlos Herrera" -- they  
6 wrote in the blank "guilty of violent crimes in aid  
7 of racketeering in conspiring to murder Javier  
8 Molina, as charged in Count 6 of the indictment."

9 Count 7: "We, the jury, find the Defendant  
10 Carlos Herrera" -- and in the blank they wrote  
11 "guilty of violent crimes in aid of racketeering in  
12 the murder of Javier Molina, as charged in Count 7 of  
13 the indictment."

14 As to Rudy Perez, Count 6, "We, the jury,  
15 find the Defendant Rudy Perez" -- and in the blank  
16 they wrote "not guilty of violent crimes in aid of  
17 racketeering in conspiring to murder Javier Molina,  
18 as charged in Count 6 of the indictment."

19 And Count 7: "We, the jury find the  
20 Defendant Rudy Perez" -- and in the blank they put  
21 words "not guilty of violent crimes in aid of  
22 racketeering in the murder of Javier Molina as  
23 charged in Count 7 of the indictment."

24 "Dated this 12th day of March, 2018,"  
25 signed by Mr. Daedalus Laroche as the foreperson.

1 Does any party wish to have the jury  
2 polled?

3 MS. JACKS: Yes.

4 MR. JEWKES: Yes, Your Honor.

5 THE COURT: Ms. Taylor, does the verdict as  
6 published by the Court constitute your individual  
7 verdict in all respects?

8 A. Yes, it does.

9 THE COURT: Ms. Quinones, does the verdict  
10 as published by the Court constitute your individual  
11 verdict in all respects?

12 A. Yes, it does.

13 THE COURT: Mr. Laroche, does the verdict  
14 as published by the Court constitute your individual  
15 verdict in all respects?

16 A. Yes, Your Honor.

17 THE COURT: Ms. Harris, does the verdict as  
18 published by the Court constitute your individual  
19 verdict in all respects?

20 A. It does, Your Honor.

21 THE COURT: Ms. Sauer, does the verdict as  
22 published by the Court constitute your individual  
23 verdict in all respects?

24 A. Yes, Your Honor.

25 THE COURT: Mr. Dixon, does the verdict as



1 published by the Court constitute your individual  
2 verdict in all respects?

3 A. Yes, Your Honor.

4 THE COURT: Ms. Wojcik, does the verdict as  
5 published by the Court constitute your individual  
6 verdict in all respects?

7 A. Yes, Your Honor.

8 THE COURT: Mr. Schoonover, does the  
9 verdict as published by the Court constitute your  
10 individual verdict in all respects?

11 A. Yes, Your Honor.

12 THE COURT: Mr. Becerra, does the verdict  
13 as published by the Court constitute your individual  
14 verdict in all respects?

15 A. Yes, sir, Your Honor.

16 THE COURT: Mr. Johnson, does the verdict  
17 as published by the Court constitute your individual  
18 verdict in all respects?

19 A. Yes, Your Honor.

20 THE COURT: Ms. Becker, does the verdict as  
21 published by the Court constitute your individual  
22 verdict in all respects?

23 A. Yes, Your Honor.

24 THE COURT: And Ms. Wolf, does the verdict  
25 as published by the Court constitute your individual

1 verdict in all respects?

2 A. Yes, Your Honor.

3 THE COURT: All right. I'm going to ask  
4 Ms. Standridge to file and record the verdict.

5 The jury is now discharged, and you have  
6 completed your duty here and so you are free to go.  
7 As I have many times, and also the alternates, I want  
8 to thank you for your service.

9 If you do have a few moments, I do have a  
10 visiting chambers up on the fifth floor, I believe,  
11 of this building, I visited once over the last two  
12 months, and I would like to visit it again. And I  
13 have some seats set up there. And I'm signing some  
14 certificates and I'd like to hand you a certificate.  
15 I'd like to shake your hand and thank you for your  
16 service. If you are able to go, I'd like to do that  
17 and thank you for your service personally, and make  
18 sure that you're okay with the way you were treated  
19 over the last couple of months, and see if you have  
20 any questions of the Court.

21 But if you do need to go and -- you need to  
22 get back to your life and you need to go, I  
23 understand. And I'll just thank you and send you  
24 your certificate. But if I don't see you again,  
25 thank you again for all your service and what you do

1 for us. It would be impossible for us to do what we  
2 do in federal court if you had not done what you did  
3 over the last couple of months. And if I do get to  
4 see you, that would be great. But if I don't, be  
5 safe on your travels. And, again, thank you for your  
6 service. All rise.

7 If the alternates would follow the jurors  
8 into the room. And if you can come up as well, I  
9 have a certificate for you. If you need to go, I  
10 understand, and I'll thank you for your service here.  
11 But if you have a moment, I'd like to thank you and  
12 shake your hand.

13 (The jury and alternates left the  
14 courtroom.)

15 THE COURT: Will the Court Security Officer  
16 take them up to 570. If some of them want to go,  
17 they're, of course, free to go. But if you'd bring  
18 them up, I'll be up there in a moment.

19 All right. Everyone be seated.

20 All right. Is there anything we need to  
21 discuss before we take our leave in the first trial,  
22 from the Government?

23 MS. ARMIJO: No, Your Honor.

24 THE COURT: All right. How about from the  
25 defendants?

1 MS. JACKS: Just that -- can Mr. Sanchez be  
2 excused from the remainder of the hearing?

3 THE COURT: Yes. I think now that we have  
4 gotten clean verdicts on all four defendants, I think  
5 all four defendants are excused from the hearings, as  
6 well as their counsel. And for those that -- of  
7 course, that got guilty verdicts you'll be working  
8 with Pretrial Services, and I'll see you in about 90  
9 days or so.

10 Anything else, Ms. Jacks?

11 MS. JACKS: No.

12 THE COURT: Anybody else on the defendants'  
13 side have anything else?

14 MR. MAYNARD: Just we'll be asking to visit  
15 with our clients, I'm sure, downstairs --

16 THE COURT: Okay.

17 MR. MAYNARD: -- as soon as it's convenient  
18 for the marshals.

19 THE COURT: All right. Is that possible?  
20 The marshals agree with that? Any problem with that?

21 THE MARSHAL: That's fine, Your Honor.

22 THE COURT: All right. So they'll  
23 accommodate that.

24 And I'm going to meet with the jurors for a  
25 little bit so it will be a while before we resume the

1 James hearing in the second trial.

2 Anything else from the defendants?

3 I'm going to meet with them and give them  
4 their certificates, thank them for their service, and  
5 see if they have any concerns or questions or issues.  
6 If you would like to meet with the jurors, if you  
7 want to sit in the room, y'all know where it is up on  
8 the fifth floor, feel free to do that. You're  
9 welcome to come in after I thank them for their  
10 service. If you don't, then let me thank the counsel  
11 for their hard work. I appreciate your  
12 professionalism and the way you went about your task.  
13 It was a pleasure working with you in the trial.

14 All right. Not hearing anything else,  
15 we'll be in recess. Counsel are invited up if they  
16 wish to go.

17 (The Court stood in recess.)  
18  
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## C-E-R-T-I-F-I-C-A-T-E

UNITED STATES OF AMERICA

DISTRICT OF NEW MEXICO

I, Jennifer Bean, FAPR, RDR, CRR, RMR, CCR,  
Official Court Reporter for the State of New Mexico,  
do hereby certify that the foregoing pages constitute  
a true transcript of proceedings had before the said  
Court, held in the District of New Mexico, in the  
matter therein stated.

In testimony whereof, I have hereunto set my  
hand on February 5, 2019.

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